

STILLWATER COUNTY COMMISSIONERS MINUTES

Notice: These minutes reflect the proceedings of the Board of County Commissioners. The official minutes are on file with the Clerk and Recorder (MCA 7-4-2611(2)(b)).

REGULAR MEETING FEBRUARY 9, 2016

Present: Commissioners Dennis Shupak, Chair; Gerald W. Dell and Maureen Davey, Members; and Lori Dobitz, Administrative Assistant. Others Present: Nancy Rohde, Stillwater County Attorney; Heidi Stadel, Clerk & Recorder; Penny Redli, Museum of the Beartooths, the following persons representing the Citizens Zoning Petition: Joan Brownell, Burt Williams, Bill Hand, Cameron Clevidence, and Rita Westrum; and Rick Hanners, Stillwater County News.

Open Meeting: Commissioner Shupak opened the meeting at 9:00 am with the pledge to the flag.

Public Comments: Commissioner Davey stated on November 2, 2002, after the canvass of the election, she took the oath of office, and part of that oath is to uphold the US Constitution and the Montana Constitution. She said she takes that very seriously, and after all these years, she still does, as it is her duty. That is why I ran for office, she said. She said a letter that was added to the Minutes of January 4, 2016 from the County Attorney noted at the end that the Montana Constitution calls for active public participation in government and as such the Commission should designate a time to hear citizens concerns. She said since she has been in office, that has been the custom of this commission. There have been four commissioners that have come and gone and we have always taken that very seriously to listen to the public. That's part of my job Commissioner Davey said. She said she doesn't always agree with the public because sometimes the public does not understand the statutes the commissioners have to follow, but she is always open to listening to the public.

Minutes Approval: Commissioner Davey **MOVED** to approve the minutes of the Regular Agenda Meetings of November 24, December 1, December 8, December 15, December 22, December 29, 2015; the Special Meeting of January 4, and the Regular Agenda Meetings of January 5, and January 12, 2016. Commissioner Dell **SECONDED**. Motion passed.

Special Issues: Stillwater River Road Rockslide: Commissioner Dell reported he had a conversation with Scott Walker, Shannon and Wilson, on February 3, 2016. He said they are in the process of putting a proposal together for the work we have requested as far as the rappel work off of the steep slope to see what is actually on top and all the way down. He said he is expecting the proposal next week.

Regular Business:

1. Citizen Initiated Zoning District - Bill Hand, resident of Nye, Montana, stated he is part of a group that submitted a petition, with 360 signatures, to the County Commissioners on November 10, 2015. The petition is requesting a formation of a Citizens Initiated Zoning to provide oversight of oil and gas drilling stretching from Nye to Dean Montana. He is seeking the status of the petition presented to the Commissioners and asking if the county has established a procedure for the handling and review in processing the petition. He also offered assistance to help the process move forward.

Commissioner Davey responded stating since Stillwater County has not been involved with zoning previously, there is not anything for the record on how we validate signatures. She said there is a petition process that we use for guidelines and have received information from other counties that have gone through the zoning process.

Nancy Rohde, County Attorney, stated that Heidi Stadel, Clerk & Recorder, and herself, have been working together in trying to establish some procedures and seeking advice and input from other counties. She stated that both offices have been reviewing the petition that holds 360 signatures, saying it will take some time.

Heidi Stadel, Clerk & Recorder, said she appreciates the offer of assistance from the petitioners, although she can not accept it because the validation of the petition has to take place through the Clerk & Records office and her staff. She said should she allow the petitioners assist in the validation of signatures and should there be any opposition, that would be a sticky point as well. Commissioner Davey said zoning is a big issue and it is in the Montana law but it is not clear in statutes how to validate those signatures. Stadel agreed saying the statutes offer very little guidance on zoning district petitions.

Burt Williams asked how long it will take to validate the petition. Heidi Stadel said she cannot give him a timeline as she has not ever processed a petition of this magnitude before. She explained in comparison her office processed and validated a petition for annexation of a fire district which had a smaller land mass and less signatures - it took one-year. Stadel said she has consulted with Gallatin, Ravalli, Park, and Yellowstone Counties for guidance.

Commissioner Davey added that the Clerk & Recorder is also the Election Administrator in Stillwater County. That is not the case in other counties. She said all larger counties have their own election administrators and staff, but in Stillwater County there is an extra task on the Clerk & Recorder's Office and staff.

Commissioner Dell said when the petition was submitted, the petitioners offered a map with the names of landowners. Burt Williams said they are working on getting that map for the commission in 7-10 days.

2. Board Appointment - Commissioner Dell **MOVED** to appoint Kyle Stadel to the City-County Planning Board to serve a two-year term. Commissioner Davey **SECONDED**. Motion passed unanimously.

3. Sheriff's Department - Commissioner Davey **MOVED** to approve the USDA Forest Service Cooperative Law Enforcement Annual Operating Plan in an amount not to exceed \$2,500 for the patrol services. Commissioner Dell **SECONDED**. Motion passed unanimously.

4. Historic Preservation - Commissioner Dell **MOVED** to approve the Certified Local Government Grant Application FY 2016-2017 in the amount of \$5,500. Commissioner Davey **SECONDED**. Motion passed unanimously.

Consent Agenda:

1. Solid Waste Department
 - a. various assessments added/removed as recommended by Solid Waste Board
 - b. assessment refund Tax ID 200096
2. Human Resources - OSHA Form 300A - work related injuries/illnesses year 2015.
3. Support Letter - Beartooth RC&D -Certified Regional Development Corporation Support
4. Planning - X-Diamond Minor Subdivision Final Plat

File Items

1. Reports submitted by the following:
 - a. Sheriff - fees collected in the amount of \$200, for month ending January 31, 2016.
 - b. Treasurer - cash and investments totaling \$35,362,907.64 for month ending December 31, 2015.
 - c. Economic Development - January 2016 report
2. Montana Department of Revenue - Oil and Natural Gas Production Tax Distribution - 3rd Qtr 2015

Commissioner Davey **MOVED** to approve the consent agenda and place the file items to file. Commissioner Dell **SECONDED**. Motion passed unanimously.

Meeting Adjourned: Hearing no further business, Commissioner Shupak adjourned the meeting at 9:27 AM.